



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,808	05/31/2000	Bruce A. Beadle	AUS000123US1	2279

7590

07/07/2003

BRACEWELL & PATTERSON, LLP
INTELLECTUAL PROPERTY LAW
P.O. BOX 969
AUSTIN, TX 78767-0969

EXAMINER

BOUTAH, ALINA A

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/584,808

Applicant(s)

BEADLE ET AL.

Examiner

Alina N Boutah

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's response to the restriction requirement by making Group B dependent on Group A in Paper No. 7 is acknowledged.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 207 in figure 2, 555 in figure 5B, 1007 in figure 10. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "600" in page 19, lines 8 and 9. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to because reference numbers 1107 and 1103 do not match the numbers described in page 30, lines 1 and 4. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to because of the following informalities: the blank spaces 1 line 6, and page 19, line 20 are not filled. Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,774,660 issued to Brendel et al. in view of USPN 6,397,387 issued to Rosin et al.

Regarding claim 1, Brendel et al. teach a method for providing a client with a connection to a network, said method comprising the steps of:

selecting a connection type (col. 2, lines 18-22); and

in response to a receipt of a connection request, dynamically connecting said client to a selected server of said network based on a determination of an effective route for completing said connection request, given said selected connection type (abstract; figure 7; col. 6, lines 20-58); col. 11, lines 4-50).

However, Brendel et al. fail to explicitly teach selecting a connection type from a plurality of connection types. Rosin et al. teach selecting a connection type from a plurality of connection types (figure 12; abstract; col. 3, lines 21-25; col. 15, lines 41-63). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Rosin into the teaching of Brendel in order to determine the most efficient delivery of data through all available bandwidth connections (col. 15, lines 43-48).

Regarding claim 2, Brendel et al. teach the method of Claim 1, wherein said selecting step includes the step of providing a graphical user interface with selectable options for each of said plurality of connection types, in response to a user request to configure said client with one of said plurality of connection types (col. 2, lines 18-22).

Regarding claim 3, Brendel et al. teach the method of Claim 2, wherein said selecting step includes the step of selecting an effective server connection based on a connection history of said client and present connection conditions (col. 2, lines 29-35).

Regarding claim 4, Brendel et al. teach the method of Claim 3, wherein said selecting step includes the step of accessing said connection history from a table of server connection parameters, which are utilized to determine said effective connection route (col. 2, lines 18-35; col. 3, lines 7-30).

Art Unit: 2143

Regarding claim 5, Brendel et al. teach the method of Claim 4, wherein said dynamically connecting step includes the step of evaluating said server connection parameters for each of a plurality of servers to determine said effective connection route relative to all other possible routes within said connection, type (abstract; figure 7; col. 6, lines 20-58; col. 11, lines 4-50).

Regarding claim 6, Brendel et al. teach the method of Claim 5, wherein said dynamically connecting step further includes the step of encoding a routing information about said effective connection route in a connection protocol of said client (col. 3, lines 7-30).

Regarding claim 7, Brendel et al. teach the method of Claim 6, wherein said encoding step includes the step of including a call-back mechanism in said connection protocol, wherein relevant connection information, including one or more of said connection parameters, is returned to said client for updating said table (col. 2, lines 10-52).

Regarding claim 8, Brendel et al. fail to teach teach the method of Claim 7, wherein said client is equipped with multiple connection media and said dynamically connecting step includes the step of selecting one of said multiple connection media to complete said connection request. Rosin et al. teach a client being equipped with multiple connection media and a step of dynamically communicating the client with a server by selecting one of said multiple connection media (figure 12; abstract; col. 3, lines 21-25; col. 15, lines 41-63). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the

Art Unit: 2143

teaching of Rosin into the teaching of Brendel in order to determine the most efficient delivery of data through all available bandwidth connections (col. 15, lines 43-48).

Regarding claim 9, Brendel et al. fail to teach the method of claim 8 wherein said selecting step includes the step of selecting a connecting media, which provides the effective connection route. Rosin et al. teach a step of selecting a connection media, which provides the effective connection route (figure 12; abstract; col. 3, lines 21-25; col. 15, lines 41-63). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to employ a step of selecting a connection media, which provides the effective connection route in order to determine the most efficient delivery of data through all available bandwidth connections (col. 15, lines 43-48).

Regarding claim 10, Brendel et al. teach a computer program product for utilization within a client for connecting to servers of a network, said program product comprising: a computer readable medium; and program code on said computer readable medium, which provides:

an interface for receiving user input and connection requests (col. 2, lines 18-22); and a connection utility for dynamically connecting said client to one of said servers in response to a connection request, wherein said one of said servers is selected based on a determination of an effective route for completing said connection request (abstract; figure 7; col. 6, lines 20-58; col. 11, lines 4-50).

Regarding claim 11, Brendel et al. teach the computer program product of claim 10, wherein program code for said interface further comprises program code for a connection selection interface for receiving user selection of a desired connection type, wherein said desired connection types including a default server connection, a changeable default server connection with a suggestion function for providing an optimal server connection during a later connection, and an effective server connection based on a connection history of said client (col. 2, lines 18-35).

Regarding claim 12, Brendel et al. teach the computer program product of claim 11, wherein said program code for said connection utility includes:

program code for managing a connectivity table utilized to record a plurality of connection parameters for each of said servers (col. 2, lines 18-35; col. 3, lines 7-30);

program code for determining said effective route based on said connection parameters (figure 7; col. 6, lines 20-58); col. 11, lines 4-50);

program code for encoding a connection protocol with said effective route (col. 3, lines 7-30); and

program code for appending a call-back to said connection protocol, whereby connection parameters from a current connection is returned to update said connectivity table (col. 2, lines 10-52).

Claims 13–21 have similar limitations as those in claims 1-8, respectively, therefore are rejected under the same rationale.

Claims 22-25 have similar limitations as those in claims 1-4, respectively, therefore are rejected under the same rationale.

Claims 26-28 have similar limitations as those in claims 6-8, respectively, therefore are rejected under the same rationale.

Allowable Subject Matter

Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 29, most of the claimed limitations are taught in conventional computer program products (i.e. Microsoft Windows™) such as the teaching a graphical user interface of a browser application, comprising: a first set of user selectable buttons representing a plurality of connection media, said buttons having a first display characteristic indicating when a functionality associated with each of said first set of user selectable buttons is presently available, a second display characteristic indicating when said functionality is not available, and a third display characteristic indicating when one of said first set of user selectable buttons has been selected; and a second set of user selectable buttons representing a user preference for server connections including a default server selection (Microsoft Windows™ Network Connection Folder Icons).

However, none of the prior art of record teaches a set of user selectable buttons for server connections including an override default selection, and an automatic routing selection.

Therefore claim 29 is allowed over prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. USPN 6,519,643 issued to Foulkes et al.
2. USPN 6,470,022 issued to Rochberger, Haim.
3. R. Goyal; S. Lai; and A. Durresi. Department of Computer and Information Science. "Laboratories for Data Communications and Computer Networks." IEEE, 1998.
4. Microsoft: "Network and dial-up connectin types" and "Network connection icons" printed from <http://www.microsoft.com>.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is (703) 305-5104. The examiner can normally be reached on Monday-Friday (8:30 am-5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9112 for regular communications and (703) 305-3718 for After Final communications.

Art Unit: 2143

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

ANB

ANB

June 24, 2003


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100